IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:20-CV-697-MOC-DCK

RICKY W. CAMPBELL,)	
Plaintiff,)	
v.)	<u>ORDER</u>
ALEJANDRO MAYORKAS, Secretary Department Of Homeland Security,)))	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT regarding a telephone conference held on October 11, 2022. This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate.

Following a request by Defendant pursuant to the "Pretrial Order And Case Management Plan" (Document No. 38, p. 4), the undersigned held a telephone conference regarding a discovery dispute between the parties. The question before the Court was whether Plaintiff is required to sit for a deposition in this lawsuit, even though he was previously deposed during the underlying administrative process, on or about May 17, 2018.

After careful consideration of the parties' arguments during the telephone conference and their prior written submissions, the undersigned finds that Defendant must be allowed to depose Plaintiff. The undersigned finds that Plaintiff's participation in the discovery process, including his deposition, is required by the "Pretrial Order...," the Federal Rules of Civil Procedure, and other applicable legal authority – unless otherwise agreed by the parties.

The undersigned respectfully encourages the parties to work in good faith to complete an efficient and thorough discovery process so that this case may be decided on the merits through mediation, dispositive motions, or if necessary, trial.

IT IS, THEREFORE, ORDERED that Defendant is permitted to conduct a deposition of Plaintiff in accordance with Fed.R.Civ.P. 30. The parties shall promptly confer to schedule Plaintiff's deposition and any other depositions necessary to complete discovery in this matter.

SO ORDERED.

Signed: October 11, 2022

David C. Keesler

United States Magistrate Judge